

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ELIZABETH ROSS,)	
)	
Plaintiff(s),)	No. C09-4127 BZ
)	
v.)	ORDER GRANTING PLAINTIFF'S
)	MOTION FOR REMAND
GREGORY A. STRANGER, et al.,)	
)	
)	
Defendant(s).)	
_____)	

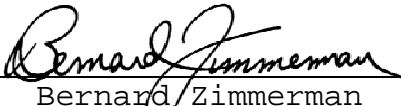
Plaintiff Elizabeth Ross has moved to remand this action to Marin County Superior Court, contending that this court lacks subject matter jurisdiction. Defendants argue that plaintiff's Eleventh Cause of Action, entitled "Violation of State Securities Laws", arises under federal law because it contains the words "which incorporate the Federal Securities Acts and laws." Complaint ¶ 100.

The mere mention of federal securities law does not create federal question jurisdiction. See Merrell Dow Pharmaceuticals Inc. v. Thompson, 478 U.S. 804, 814 n. 12 (1986) ("the violation of the federal standard as an element of state tort recovery did not fundamentally change the state

tort nature of the action"); Int'l Union of Operating Eng'rs v. County of Plumas, 559 F.3d 1041 (9th Cir. 2009) (federal jurisdiction does not arise solely because California has adopted principles of federal labor law); Rains v. Criterion Systems, Inc., 80 F.3d 339 (9th Cir. 1996) (mere reference to Title VII does not convert a state law claim into a federal claim). Ross's claims are alleged to arise under California law and any reference in California law to federal law does not convert her state-law claim to a federal one.

I find no need for argument and the hearing set for November 18, 2009 is **VACATED**. **IT IS ORDERED** that plaintiff's motion for remand is **GRANTED**. The Clerk shall transfer the file to the Marin County Superior Court.

Dated: November 12, 2009



Bernard Zimmerman
United States Magistrate Judge

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